

**To:** Edlund, Carl[Edlund.Carl@epa.gov]  
**From:** Ruhl, Christopher  
**Sent:** Mon 8/17/2015 1:03:09 PM  
**Subject:** Fwd: Union representation during OSWER & IG interviews during GKM response deployment

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Christenson, Dave" <Christenson.Dave@epa.gov>  
**Date:** August 16, 2015 at 11:04:17 PM MDT  
**To:** "Copt, Britta" <Copt.Britta@epa.gov>  
**Cc:** "Hobart, Yolanda" <Hobart.Yolanda@epa.gov>, "Ruhl, Christopher" <Ruhl.Christopher@epa.gov>  
**Subject:** Union representation during OSWER & IG interviews during GKM response deployment

Bargaining unit employee Gold King Mine responders:

As you may know, there is both an EPA-OSWER & an EPA Inspector General (IG) investigation of the Gold King Mine release and EPA's response to it. The Union's understanding is that OSWER's investigation will start Monday, August 16 in Durango or Silverton. The IG investigation is reported to be starting Monday in the R8 Denver office. The IG investigators are scheduled to travel to Durango Tuesday, and start field investigation, including individual employee interviews Tuesday afternoon or Wednesday. Normally interviews for these sort of investigations are scheduled in Regional offices, rather than during travel or field deployments. (Your mileage may vary, you might have participated in IG or management official interviews in field locations).

Bargaining unit employees are entitled to Union representation when questioned by the IG or other management officials in a situation where the employee has a reasonable expectation that the investigation could result in disciplinary action. Pretty much any IG interview meets that threshold, and under the circumstances, interviews by OSWER officials would as well. To minimize the disruption of the investigation to the Gold King Mine response, R8 has supported Union representatives travel to Durango provide Union representation in the field as appropriate. I will be arriving in Durango to serve as a Union representative Monday afternoon, and leaving Wednesday afternoon. AFGE Local 3607 President Britta Copt will be arriving in Durango mid-day Wednesday, and we will do a

Union rep hand off with her when she arrives.

Please note that neither the Union nor the IG or the OSWER investigators are part of the IMT. If you are contacted by either the IG or the OSWER investigators, notify your IMT supervisor first. The IG has indicated a willingness to schedule interviews “off shift” to minimize disruption to the response. Interview time is work time, but your IMT responsibilities come first unless your IMT supervisor directs otherwise. If the IG or OSWER requests an interview, and you want Union representation, contact me, (303) 408-6838 and we will work out a schedule subject to mutual availability. (In Denver Monday, contact Britta Copt x6229 for representation, or contact her after mid-day Wednesday in Durango or Silverton.) Union representation is available to employees from all Regions, HQ and any other EPA offices.

The Union **STRONGLY** advises you to exercise your right to Union representation during OSWER and / or IG interviews. Its late enough, I’ll have to spare the Union’s basis for that advice, but rest assured, that comes from painful experience. That said, these interviews should not be a cause for anxiety as long as you are forthright and truthful. If you are asked to explain something that didn’t work as intended, far better to carefully explain what happened than to lie to the investigator. The purpose of the Union’s representation in investigatory interviews is to keep the investigator professional & reasonable. Again, the Union strongly advises you exercise your right to Union representation in the event you are interviewed by OSWER or the IG.

I will have limited availability by [epa.gov](mailto:epa.gov) email early Monday morning. Text message to my phone is your best bet to reach me. Please forward this message to any bargaining unit employees I accidentally left off this list.

The Union is grateful & proud of your efforts to protect human health & the environment in this response. Please protect your career by requesting Union representation if you are directed to be interviewed by OSWER or the IG.

If you read this far click for a political cartoon:  
[http://yooying.com/p/1050179327694584178\\_211388181](http://yooying.com/p/1050179327694584178_211388181)

Dave Christenson,

ESAT & Superfund Records contracts Project Officer

(303) 312-6645

Vice President,

AFGE Local 3607

<http://afge3607.org>

**Personal Email/Ex. 6**